

EXHIBIT 4

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IN THE THIRD JUDICIAL DISTRICT COURT – SALT LAKE
IN AND FOR SALT LAKE COUNTY, STATE OF UTAH

TABERON DAVE HONIE,

Plaintiff,

vs.

BRIAN REDD, EXECUTIVE DIRECTOR,
Utah Department of Corrections; and
WARDEN BART MORTENSEN, Utah
Department of Corrections,

Defendant.

DECLARATION OF RANDALL HONEY

Case No. 240905322

Judge LINDA JONES

I, Randall Honey, hereby state and declare the following:

1. I am an adult over 21 years of age.
2. I have worked in the Utah Department of Corrections (UDC) in various roles since 2004, and currently serve as the Chief of Prison Operations.
3. In October 2023, my predecessor, Daniel Chesnut, began exploring the feasibility of obtaining pentobarbital for lethal injection executions in the State of Utah. In December 2023, I became Chief of Prison Operations. After discussing previous efforts with Dir. Chesnut, I continued the search.

4. Between myself and Dir. Chesnut, we reached out to twelve states to inquire about procuring pentobarbital.
5. The twelve states contacted either did not respond, or replied stating that due to their laws, they could not provide any information related to their supply of pentobarbital.
6. I eventually found a pharmacist licensed in the United States, who told me that they could also not procure pentobarbital.
7. Due to the unavailability of pentobarbital, I began searching for an equally effective and humane combination of lethal injection substances. On the evening of June 6, 2024, in collaboration with our medical team, we decided to proceed with a three-drug combination of Ketamine, Fentanyl, and Potassium Chloride. This combination was disclosed to the 5th District Court and Mr. Honie's counsel on June 7, 2024.
8. On June 10, 2024, an Execution Warrant Hearing was held by Judge Wilcox in the 5th District Court in Iron County. UDC presented its proposed combination of Ketamine, Fentanyl, and Potassium Chloride.
9. After hearing arguments from counsel for Mr. Honie, the State, and UDC, Judge Wilcox signed the Execution Warrant, ordering UDC to "execute the judgment and sentence of death by lethal intravenous injection upon the defendant, Taberon Dave Honie, on 8th day of August, 2024."
10. Following the hearing, several news outlets reported on the substances UDC intended to use in Mr. Honie's execution. (e.g., <https://www.ksl.com/article/51038439/utah-judge-signs-execution-warrant-for-cedar-city-man-convicted-in-1998-murder>).
11. Shortly after the hearing, an individual contacted Director Brian Redd and stated that they read news reports regarding Mr. Honie's execution and would be able to put Director Redd in touch with a supplier for pentobarbital.
12. Director Redd contacted the supplier, who stated that the supply of pentobarbital would cost \$200,000. At that time the estimated cost of the three-drug combination was \$7,900.
13. Despite the significant cost of pentobarbital, Director Redd (and later myself) continued communicating with the supplier and explored how UDC may overcome challenges related to the procurement, transport, and payment for the drug.
14. Eventually, Director Redd asked me to be the main contact with the supplier and informed me of their previous discussions. I can now verify that UDC can obtain a supply of pentobarbital and has found an appropriate and legal way to pay for the supply.

15. UDC will have obtained the supply of pentobarbital at least three days before the execution scheduled on August 8, 2024.
16. Based on my discussions with the supplier, I can verify the following information about the supply of pentobarbital to be obtained by UDC:
 - a. The pentobarbital is manufactured, not compounded.
 - b. Pentobarbital is currently, and will continue to be, stored at room temperature by the supplier. During pickup and transit, UDC will ensure that the pentobarbital is not exposed to freezing temperatures or to temperatures exceeding 40 °C (or 104 °F). Once in UDC's possession, the pentobarbital will be stored in a safe that can only be accessed by Chief of Prison Operation Randall Honey. The safe does not reach freezing temperatures or temperatures exceeding 104 °F.
 - c. Prior to being received by the supplier, the pentobarbital was handled by a licensed manufacturer wholesaler, who ships the drug according to the manufacturer's specifications. We cannot provide more information regarding the shipping without potentially disclosing identifying information prohibited by Utah Code § 64-13-27(3) and (4).
 - d. UDC will procure three doses of pentobarbital, one for the execution and two backups in case of complications. Two of the doses expire at the end of September 2024, the third dose expires in April 2025.
 - e. Pursuant to the execution warrant, on August 8, 2024, UDC will administer 5 grams of pentobarbital to Mr. Honie. This process is further described in the Operations Procedure for Mr. Honie's execution which will be provided to you and the Court as an exhibit to UDC's Motion to Dismiss and Opposition to Plaintiff's Motion for Preliminary Injunction.
 - f. During the July 17, 2024 scheduling conference before Judge Jones, Mr. Honie's counsel indicated a desire to obtain the information packets for the pentobarbital UDC intends to use during Mr. Honie's execution. UDC will not provide the information packets, but once the substances are in UDC's possession, UDC will submit a declaration to the Court identifying the information on the supply of pentobarbital without disclosing information protected by statute. See Utah Code § 64-13-27(3) and (4).
17. UDC has adopted an Operation Procedure for the administration of pentobarbital. To draft the Operation Procedure, UDC staff reviewed the protocols provided as examples of constitutional lethal injection protocols in his Complaint in this case.
18. Counsel for Mr. Honie referenced Texas' protocol as a "method of execution that is feasible, can be readily implemented, and would significantly reduce the substantial risk

of severe pain presented by Utah's current execution Protocol: execution by a one-drug lethal injection procedure using the barbiturate pentobarbital."

19. Although based on Texas' Protocol, this updated Operations Procedure largely mirrors UDC's previously adopted procedure, with the exception that it applies to only one substance instead of three. Accordingly, UDC's amended Operations Procedure is more easily administered and carries less risk of complications.

I declare under criminal penalty of the State of Utah that the statements made in this declaration are true and correct.

DATED this 19th day of July 2024.

/s/ Randal Honey

RANDALL HONEY

Chief of Prison Operations

Utah Department of Corrections

(signed electronically with permission given on July 19, 2024)